



CRM-M-67573-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
252
CRM-M-67573-2025
Decided on : 06.02.2026
GURDEEP SINGH ALIAS GORA
.....Petitioner
Versus
STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. L.S. Sekhon, Advocate,
for the petitioner.
Mr. R.S. Lekhi, AAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurdeep Singh alias Gora, aged about 28 years	35	07.03.2025	22 and 29 of NDPS Act	Barnala	Barnala

2. Learned counsel for the petitioner contends that, as per the version of the prosecution, on 07.03.2025, upon noticing presence of the police party, a person who was sitting under a tree became perplexed, stood up, and attempted to walk away. In the process, a bag resting on his



lap allegedly fell down. Upon being apprehended, the said person disclosed his identity as Sunny Singh alias Kala. On searching the said bag, the police allegedly recovered 190 loose tablets of Alprazolam.

It is further submitted that on the following day, i.e. 08.03.2025, a disclosure statement of the accused Sunny Singh alias Kala was recorded, wherein the present petitioner was named as the supplier of the aforesaid 190 loose intoxicant tablets. On the basis of the said disclosure statement, petitioner was arrested on 12.03.2025. Thereafter, a further story was built up to the effect that a polythene bag containing 50 loose tablets of Etizolam allegedly fell from the pocket of the petitioner. The said contraband was sent for chemical examination, and as per the FSL report, total weight of the recovered Etizolam salt was found to be 9.85 grams.

3. Learned counsel submits that initially, petitioner was granted interim bail on 18.04.2025, as by that time, FSL report had not been received. However, upon filing of the *challan* on 02.06.2025, petitioner was taken back into custody, and since then, he is suffering incarceration inside jail.

It is further argued that the alleged recovery has been falsely planted upon the petitioner. It is submitted that earlier also, petitioner was implicated by the police of Barnala City in two NDPS cases, i.e. FIR No.422 dated 03.09.2023 registered under Sections 22/29/61/85 of the NDPS Act and FIR No.135 dated 01.09.2023 registered under Sections 25/29/61/85 of the NDPS Act. In both the said cases, petitioner has already been granted the concession of bail, as no contraband was



recovered from his possession, and his implication therein was solely on the basis of disclosure statements made by co-accused.

4. Learned counsel for the petitioner further places reliance upon the order dated 10.12.2025 passed by this Court in CRM-M-22148-2025 titled as “Amit Kumar versus State of Punjab”, wherein, while granting bail to the accused Amit Kumar, this Court took into consideration the issue relating to different salts, namely Etizolam and Pregabalin.

The relevant portion of paragraph No.6 of the said order is reproduced here below:-

“Concerning the salt of Etizolam, this Court has also dealt with the matter in CRM-M-12950-2025 (order dated 16.07.2025), wherein it was noticed as under:

“3. Learned counsel for the petitioner contends that although the quantity of Etizolam recovered from the petitioner falls under the category of commercial quantity, the recovered quantity of Heroin falls under the category of small quantity.

Learned counsel for the petitioner has produced a copy of the order dated 09.07.2025 passed in CRM-M-24404-2025 and submits that the co-ordinate Bench of this Court concluded that the salts Alprazolam and Etizolam are prescribed for similar ailments and differ only slightly in potency. It was further observed that the commercial quantity notified by the Central Government for Etizolam (2.5 grams) is, in fact, less than the small quantity prescribed for Alprazolam (5 grams), and there is no data suggesting that Etizolam is 40 times more potent than Alprazolam. Copy of order dated 09.07.2025 is taken on record. The relevant excerpt of the said order is reproduced herebelow:

“4. He further contends that the Central Government vide notification bearing No.



S.O.1276(E) dated 23.03.2021, Etizolam was brought under the ambit of the NDPS Act. It was specified that 0.05g would constitute to be small quantity while 2.5g would be the commercial quantity in this regard. However, a perusal of the Pre-Review Report presented on Etizolam by the World Health Organisation’s Expert Committee on Drug Dependence, at its 37th Meeting (16-20 November, 2015), would indicate that Etizolam is comparable to Alprazolam in its nature and effects, both being derivatives of benzodiazepine. Based on its chemical structure, it is also unlikely to convert Etizolam into a different controlled substance. In fact, the report concludes that nature of possible abuse of Etizolam does not warrant international control. Moreover, there is also a scarcity of empirical data concluding overdose of Etizolam can result in death. While two doses of 0.5mg Etizolam per day would have the same impact as two doses of 0.5mg Alprazolam, the huge difference in the notified commercial quantities for the same is rather curious

<i>Controlled Substance</i>	<i>Small Quantity</i>	<i>Commercial Quantity</i>
<i>Alprazolam</i>	<i>5g</i>	<i>100g</i>
<i>Etizolam</i>	<i>0.05g</i>	<i>2.5g</i>

5. In spite of the fact that both the notified substances are prescribed to cure the same ailments and have a similar effect, with minor difference in potency, the commercial quantity notified by the Central Government for Etizolam (2.5g) is even lesser than small quantity prescribed for Alprazolam (5 g). There is no data to even remotely suggest that the potency of Etizolam is 40 times that of Alprazolam

6. With that in view, a study of Section 22 of the NDPS Act is called for-

22. Punishment for contravention in relation to psychotropic substances.—

Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any psychotropic substance shall be punishable,--



(a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to 2[one year], or with fine which may extend to ten thousand rupees, or with both;

(b) where the contravention involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to ten years, and with fine .

(c) where the contravention involves commercial quantity, with

rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years, and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the

judgment, impose a fine exceeding two lakh rupees.

The mandatory minimum punishment for cases involving commercial quantities is 10 years, which may be extended to 20 years. In view of the nature of Etizolam, such stringent punishment does not satisfy the test of proportionality. The impact of Etizolam and the meagre amount of commercial quantity i.e. 2.5g notified by the Central Government does not align with the gravity of the offence alleged.”

Counsel submits that in the cited case, there was a recovery of 2.76 grams of Etizolam, and considering the custody period of 9 months already undergone, the petitioner in that case was granted the concession of bail. Relying on the strength of the aforesaid bail order, Mr. P.S. Sekhon, learned counsel for the petitioner, prays for grant of bail, submitting that the petitioner has been in custody for nearly two



years (i.e., one year, eleven months, and sixteen days).”

Thus, counsel prays for grant of regular bail to the petitioner in the present case.

5. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 04.02.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 07 months and 19 days period inside jail.

6. Learned State counsel, while opposing the prayer and submissions advanced by learned counsel for the petitioner, submits that apart from the present case, petitioner is also involved in two other cases registered under the NDPS Act, as has already been conceded by learned counsel for the petitioner during the course of arguments.

It is further contended that petitioner is a habitual offender and, therefore, does not deserve the concession of bail, particularly at this stage, when the prosecution evidence is yet to be concluded. Therefore, learned State counsel prays for dismissal of the present petition.

7. This Court has heard the submissions addressed by counsel for the parties and has also gone through the record available before it.

8. In view of these observations, and considering the substantial period of incarceration already undergone by the petitioner, this Court is of the considered opinion that petitioner deserves an



CRM-M-67573-2025

7

opportunity for rehabilitation and reintegration into society. Without expressing any opinion on the merits of the case, petitioner's right to personal liberty cannot be curtailed indefinitely.

Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

06.02.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO